

Filed for intro on 02/06/97
HOUSE BILL 519 By
Bowers

SENATE BILL 987
By Ford J

AN ACT to amend Tennessee Code Annotated, Title 71, Chapter 5, Part 1, relative to a health care advocacy division.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following new section:

(a) There is created a health care advocacy division in the office of the attorney general and reporter. The division shall consist of various positions which may include attorneys, accountants/financial analysts, support personnel and other personnel as determined by the attorney general and reporter to be appropriate and necessary to accomplish the purposes of this section.

(b) The division has the duty and authority to represent the interests of Tennessee consumers of health care services. The division may, with the approval of the attorney general and reporter, participate or intervene as a party in any matter or proceeding before any administrative, legislative or judicial body and may initiate an administrative proceeding, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(c) If the division concludes that it is without sufficient information to initiate a proceeding, it may petition the chancery court after notice to the affected provider or association of providers, to obtain information. The petition shall state with particularity

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the information sought and the type of proceeding that may be initiated if the information is obtained.

(d) The division may enter into agreements regarding the nondisclosure of trade secrets or other confidential commercial information obtained by the division.

(e) The attorney general and reporter shall hire, fire, supervise, direct and control the personnel and activities of the division, and the employees of the division shall be employees of the attorney general and reporter for the purposes of title 8, chapter 6.

(f) The attorney general and reporter shall prepare, each year, a budget for the division for the next fiscal year and submit the budget for inclusion in the attorney general and reporter's budget request for review and final approval by the general assembly. Reports on the operations and other matters relative to the division shall be filed by the attorney general and reporter with the general assembly and other governmental entities. As part of the annual appropriations process, the attorney general and reporter may request the general assembly to increase or eliminate positions within the division. The division shall be funded from the general fund as appropriated in the general appropriations act.

(g) The attorney general and reporter shall provide suitable office space for the division.

SECTION 2. This act shall take effect July 1, 1997, the public welfare requiring it.

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